

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

R.J. CORMAN RAILROAD	§	
COMPANY/TEXAS LINE, LLC,	§	
<i>Plaintiff,</i>	§	CIVIL ACTION NO. 9:23-CV-00216-MJT
	§	
v.	§	
	§	
TRANSLOAD AND LOGISTICS, LLC,	§	JUDGE MICHAEL TRUNCALE
<i>Defendant.</i>	§	

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

On March 4, 2024, the Court referred Plaintiff R.J. Corman Railroad Company/Texas Line, LLC’s Motion for Default Judgment [Dkt. 11] to United States Magistrate Judge Zack Hawthorn for consideration and disposition. [Dkt. 12]. On June 15, 2024, Judge Hawthorn issued his Report and Recommendation, which recommends granting in part and denying in part Plaintiff’s instant motion. [Dkt. 15]. Judge Hawthorn recommended that a Default Judgment be entered as follows: (1) damages in the amount of \$3,000.00; (2) court costs in the amount of \$402.00; (3) attorneys’ fees related to only Defendant Transload’s breach of Section 2.1(a) of the Track License Agreement; and (4) pre-judgment and post-judgment interest. *Id.* at 13. Additionally, Judge Hawthorn ordered supplemental briefing on the issue of attorneys’ fees. *Id.* On August 1, 2024, Plaintiff timely filed its Objection to the Report and Recommendation [Dkt. 16].

Plaintiff’s principal objection is that it is entitled to all attorney’s fees associated with filing the instant motion because the claims asserted against Defendant transload are “inextricably intertwined.” [Dkt. 16 at 1]. Specifically, Plaintiff objects to Judge Hawthorn’s recommendation that attorneys’ fees should be awarded only as they relate to Defendant Transload’s breach of

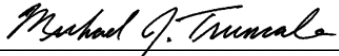
Section 2.1(a) of the Track License Agreement. *Id.* at 2. The Court discerns no other objections to Judge Hawthorn's Report and Recommendation.

It is, therefore, ORDERED that Judge Hawthorn's Report and Recommendation [Dkt. 15] is ADOPTED. Accordingly, Plaintiff's Motion for Default Judgment [Dkt. 11] is GRANTED IN PART and DENIED IN PART.

The Court will defer entry of the Default Judgment until supplemental briefing on the bifurcation of attorneys' fees is submitted. It is, therefore, ORDERED that Plaintiff RJ. Corman Railroad Company/Texas Line, LLC must SUPPLEMENT the record with additional briefing addressing the segregation of attorneys' fees for its breach of contract claims by Thursday, August 29, 2024.

It is further ORDERED that an in-person hearing is SET before United States Magistrate Judge Zack Hawthorn in Courtroom 6 of the Jack Brooks Federal Building, 300 Willow Street, Beaumont, Texas, 77701, on Thursday, September 5, 2024, at 10:30 a.m. This hearing will address the issue of bifurcation of attorneys' fees.

**SIGNED this 16th day of August, 2024.**

  
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Michael J. Truncale  
United States District Judge